

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

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|--------------------------|--|-----------------|
| UNITED STATES OF AMERICA | | DOCKET 9:14CR9 |
| | | OCTOBER 7, 2014 |
| VS. | | 1:37 P.M. |
| CROCKETT JACOB RODDAM | | BEAUMONT, TEXAS |

VOLUME 1 OF 1, PAGES 1 THROUGH 22

REPORTER'S TRANSCRIPT OF CHANGE OF PLEA HEARING

BEFORE THE HONORABLE KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE GOVERNMENT: LAUREN E. GASTON
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FOR THE DEFENDANT: GARY R. BONNEAUX
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PROCEEDINGS RECORDED USING DIGITAL RECORDING;
TRANSCRIPT PRODUCED VIA COMPUTER-AIDED TRANSCRIPTION.

1 (OPEN COURT, DEFENDANT PRESENT.)

2 THE COURT: Okay. We'll call the matter of
3 *United States of America versus Crockett Jacob Roddam*,
4 Cause Number 9:14cr9.

5 Mr. Roddam, could you raise your right hand
6 for me, please, the best that you can?

7 (The oath is administered to the defendant.)

8 THE COURT: Thank you, Mr. Roddam.

9 Mr. Roddam, I'm United States Magistrate Judge
10 Keith Giblin. I don't know if we've met before. You're
11 here today. It's my understanding that you intend to
12 plead guilty to Count 1 of an Indictment that's pending
13 in this case. Your case is assigned to United States
14 District Judge Ron Clark. He's the district judge in
15 your case. He's referred this case to me. He's asked
16 for me to hear your guilty plea and to determine whether
17 or not it's freely and voluntarily made.

18 If I determine that it is, what I do is I send
19 him what's called a "report and recommendation." He'll
20 look at the report and recommendation. He'll look at
21 your presentence report. And if he decides to accept
22 your guilty plea -- or your Plea Agreement, he'll accept
23 it; and you would appear before him to be sentenced, not
24 before me.

25 So, although he's referred this case to me and

1 he's asked for me to hear your guilty plea, I can't do it
2 unless I have your consent because you have a right to
3 plead guilty in front of the judge that's going to
4 sentence you, which is going to be Judge Clark; or you
5 can give up that right and allow me to hear your guilty
6 plea on Judge Clark's behalf. Do you give up your right
7 to appear before Judge Clark and agree to plead guilty in
8 front of me in this case?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. Mr. Roddam, what I have
11 here is I have a consent form. It says I have advised
12 you of all of your rights, including your right to appear
13 before Judge Clark and enter a plea of guilty, but you
14 are going to waive that right and agree to plead guilty
15 in front of me. Okay?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Thank you, Mr. Roddam. We'll get
18 that filed in the record, and we'll begin with your
19 guilty plea.

20 Mr. Roddam, can you tell me your full name,
21 please, sir?

22 THE DEFENDANT: Crockett Jacob Roddam.

23 THE COURT: And, Mr. Roddam, how old are you?

24 THE DEFENDANT: 25.

25 THE COURT: And how far did you go in school?

1 THE DEFENDANT: I graduated high school.

2 THE COURT: Okay. It is my understanding that
3 you intend to plead guilty to Count 1 of an Indictment
4 that is pending here in the Eastern District of Texas.
5 Before I hear your plea of guilty, I have to determine --
6 I must inform you of certain rights that you have under
7 the law; and I have to determine that you understand the
8 consequences of your guilty plea.

9 Your answers will be under oath, on the
10 record, and in the presence of your attorney. The
11 questions I'm going to ask you concern the charges
12 against you. At any time during this hearing if you need
13 further explanation about any part of these proceedings
14 or if you have a question, I want you to stop me and ask
15 me; or I'll give you whatever time you need to visit with
16 your attorney. Okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. I need to remind you that
19 you are now under oath; and if you answer any of my
20 questions falsely, your answers may be used later on
21 against you in another prosecution for perjury or making
22 a false statement. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Have you discussed with your
25 attorney the facts of this case, the charges pending

1 against you, and any possible defenses that you might
2 have?

3 THE DEFENDANT: Yes.

4 THE COURT: Are you satisfied that your
5 attorney has fully considered all of these factors?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you fully satisfied with the
8 representation and the advice that he has given to you so
9 far in this case?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: At any time during this hearing if
12 you change your mind and you decide you want to plead not
13 guilty instead of pleading guilty, you let me know; and
14 I'll allow you to plead not guilty. Okay?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you received a copy of the
17 Indictment that is pending against you?

18 THE DEFENDANT: Yes.

19 THE COURT: And have you had a chance to read
20 it and go through it and visit with your attorney?

21 THE DEFENDANT: Yes.

22 THE COURT: Let's take a look at Count 1 of
23 the Indictment. I'll through this very shortly -- I'll
24 go through it very quickly. It alleges a violation of
25 Title 18 United States Code, Section 2422(b), which is

1 coercing and enticing. It alleges that "On or about and
2 between December, 2013, and May the 5th of 2014, in the
3 Eastern District of Texas and elsewhere, that you did use
4 any facility of interstate and foreign commerce, the
5 Internet, a social media application known as Kik
6 Messenger, and a cell phone, to knowingly persuade,
7 induce, entice and coerce any individual who had not yet
8 attained the age of 18 years, namely: C.B., to engage in
9 any sexual activity for which any person could be charged
10 with an offense."

11 It says, "Texas state law prohibits any person
12 from performing sexual intercourse or deviate sexual
13 conduct with a child under the age of 14 years of age."
14 And that is Texas Penal Code, Section 22.021.

15 And all of that is in violation of Title 18
16 United States Code, Section 2422(b).

17 Do you understand completely what you're
18 charged with there in Count 1?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: So that you will fully understand
21 the nature of the charges against you, what I'm going to
22 do is explain the elements that the government would have
23 to prove beyond a reasonable doubt at trial to a jury
24 before you could be convicted in this case. They would
25 have to prove that:

1 Number 1, you knowingly used a facility or a
2 means of interstate commerce to persuade, induce, entice,
3 or coerce an individual under the age of 18 to engage in
4 sexual activity;

5 Number 2, that you believed such individual
6 was less than 18 years of age; and

7 Number 3, that you could have been charged
8 with a criminal offense for engaging in the specified
9 sexual activity.

10 Do you understand that the government would
11 have to prove each and every one of those elements beyond
12 a reasonable doubt to a jury before you could be
13 convicted of this case?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, I just went through the
16 charge with you; and I just went through the elements.
17 Do you need any further explanation about the charge in
18 Count 1 by me or by your attorney?

19 THE DEFENDANT: No, sir.

20 THE COURT: Okay. We need to talk about your
21 potential punishment in this case if you are convicted.
22 In federal court if you are convicted of a crime, you can
23 be sent to prison, have to pay a fine, have to pay a
24 special assessment of \$100. You would also have to serve
25 a term of what's called "supervised release." And do you

1 remember it's like probation when you get out of prison?
2 There would be conditions that you have to live under.
3 And if you violate those conditions, you can be brought
4 back into court; and if the judge determines you violated
5 your supervised release conditions, you could be sent
6 back to prison a second time. That's what supervised
7 release is. Do you understand what it is and that it's a
8 part of your punishment?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: If you are convicted in this case,
11 you could be sent to prison for not less than ten years
12 but not more than life. There would be a fine of not
13 more than \$250,000. There would be a term of supervised
14 release of not less than five years but not more than
15 life on supervised release, and there would be a special
16 assessment of \$100.

17 Do you understand the punishment in this case?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. Do you understand that if
20 it applies in this case, the court may order you to make
21 restitution to any victim of this offense? Do you
22 understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: And also if it applies, the court
25 may order you to forfeit certain property to the

1 government. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, the United States Sentencing
4 Commission has issued advisory guidelines for judges like
5 Judge Clark to follow in determining the sentence in a
6 criminal case. Judge Clark can use those guidelines if
7 he wants to to come up with what he feels is an
8 appropriate sentence. Have you and your attorney talked
9 about how the sentencing commission guidelines might
10 apply to your case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that any
13 prediction that you got about what the guidelines might
14 be, from Mr. Bonneaux or from the prosecutor or from the
15 probation officer or from anyone, is a prediction and is
16 not a promise; and it's not binding on Judge Clark? Do
17 you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that Judge Clark
20 won't even be able to determine the guideline range of
21 your case until after a presentence report has been
22 prepared by the Probation Department; you and your
23 attorney have had a chance to sit down and look at that
24 report, go through it, make any objections that you want
25 to to the facts and to the calculations reported by the

1 Probation Department and have Judge Clark rule on those
2 objections? That will be the first time that we'll know
3 what the guideline range is in your case. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that the
7 sentence imposed upon you may be completely different
8 from any estimate that your attorney or anyone else has
9 given you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that after Judge
12 Clark -- after it is determined what guideline range
13 applies in the case, that Judge Clark has the authority
14 to impose a sentence that is more severe or less severe
15 than the sentence called for by the guidelines?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand that under some
18 circumstances, you or the government may have the right
19 to appeal any sentence he imposes?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that parole has
22 been abolished; and if you are sentenced to prison, you
23 will not be released early on parole?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that if this

1 sentence is more severe than you expected, you will still
2 be bound by your guilty plea; and you will have no right
3 to withdraw your guilty plea?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that the offense
6 that you are pleading guilty to is a felony offense and
7 if your plea is accepted, you will be adjudged guilty of
8 that offense; and that adjudication may deprive you of
9 valuable civil rights such as the right to vote, the
10 right to hold public office, the right to serve on a
11 jury, the right to possess any kind of firearm, and also
12 the right to receive federal benefits?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you completely understand the
15 possible sentence which could be imposed upon you by the
16 court if you plead guilty?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you pleading guilty
19 voluntarily?

20 THE DEFENDANT: Yes.

21 THE COURT: Did anyone force you to plead
22 guilty?

23 THE DEFENDANT: No.

24 THE COURT: Has anyone threatened you or tried
25 to coerce you to get you to plead guilty?

1 THE DEFENDANT: No.

2 THE COURT: Is your decision to plead guilty
3 based on discussions that you've had with your attorney
4 and that he's had with the government's attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: Have you ever been treated for any
7 type of mental illness in the past?

8 THE DEFENDANT: No.

9 THE COURT: Have you ever been treated for an
10 addiction to narcotic drugs of any kind?

11 THE DEFENDANT: No.

12 THE COURT: Are you currently under the
13 influence of any drug, medication, or alcoholic beverage
14 of any kind?

15 THE DEFENDANT: No, sir.

16 THE COURT: Does counsel for the government
17 and counsel for Mr. Roddam have any doubt as to his
18 competence to plead guilty at this time?

19 MS. GASTON: No, sir.

20 MR. BONNEAUX: I have no doubt, your Honor.

21 THE COURT: Mr. Roddam, you have a right to
22 plead not guilty to any offense that is charged against
23 you and to persist in that not-guilty plea; and if you
24 plead not guilty, you will have a right to a trial by
25 jury, have a right to assistance of counsel for your

1 defense. You have a right to see and hear all of the
2 witnesses and have them cross-examined by your attorney
3 in your defense. You would have a right on your own part
4 to testify or to decline to testify if you so choose.
5 You would have a right to issue subpoenas or compulsory
6 process and compel the production of evidence and the
7 attendance of witnesses on your own behalf. You would
8 also have the right to a speedy and to a public trial.
9 Do you understand if you pled not guilty and you went to
10 trial, you would have all of those rights?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand if Judge Clark
13 accepts your plea of guilty, there will be no trial; so,
14 by pleading guilty, you give up your right to a trial?

15 THE DEFENDANT: Yes.

16 THE COURT: Now, there's been a Plea Agreement
17 that's been filed in the case and I reviewed it in
18 chambers and that Plea Agreement is 11 -- well, 10 pages
19 long. Mr. Roddam, did you read the entire Plea
20 Agreement?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you go through it with your
23 attorney and ask him any questions you wanted to?

24 THE DEFENDANT: Yes.

25 THE COURT: Did you understand everything in

1 the Plea Agreement?

2 THE DEFENDANT: Yes.

3 THE COURT: And do you agree with all of the
4 terms of the Plea Agreement?

5 THE DEFENDANT: Yes.

6 THE COURT: And did you sign the Plea
7 Agreement?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you understand it and agree
10 with it when you signed it?

11 THE DEFENDANT: Yes.

12 THE COURT: I'm going to summarize it for you
13 and you'll want you to follow along with me and let's
14 make sure we're on the same page.

15 In paragraph 1 it says you understand you have
16 all of those rights that are A through E.

17 Paragraph 2 says you waive those rights and
18 you agree to plead guilty to Count 1, which is coercion
19 and enticement of a minor, and that you understand the
20 nature and the elements of the crime that is set forth
21 there.

22 In paragraph 3 it talks about the possible
23 sentence. It's imprisonment for not less than 10 years
24 but not more than life; a fine of not more than \$250,000;
25 a term of supervised release of not less than 5 years but

1 not more than life; and a special assessment of \$100 with
2 forfeiture, restitution, and costs.

3 Paragraph 4 talks about the sentencing
4 guidelines. They are not binding on the court but
5 advisory only. You've reviewed the guidelines with your
6 counsel, but you understand no one can predict with
7 certainty what those guidelines are going to be at this
8 point in time. And you will not be allowed to withdraw
9 your guilty plea if the sentence is higher than you
10 expected so long as it is within that statutory maximum
11 we talked about there in Paragraph 3.

12 In Paragraph 5 it sets forth some guideline
13 stipulations but also says the parties understand the
14 court is not bound by these stipulations.

15 In Paragraph 6 it talks about if you've been
16 convicted in this case, that you have to comply with the
17 Sex Offender Registration and Notification Act; and it
18 sets forth those requirements there.

19 In Paragraph 7 it says that you understand
20 that restitution may be ordered by this court and that
21 you agree to pay restitution.

22 Paragraph 8 talks about forfeiture, that you
23 agree to forfeit certain property to the government
24 that's set forth there, some computer equipment, and do
25 everything that you can possibly do to make sure that

1 they get right, title, and interest in that property.

2 Paragraph 9, it says you agree to give
3 truthful and complete information concerning your
4 participation in this offense.

5 Paragraph 10 says that the U.S. Attorney's
6 Office for the Eastern District of Texas agrees not to
7 prosecute you for any additional non-tax-related charges.

8 Paragraph 11 sets forth what happens if this
9 Plea Agreement is vacated or withdrawn and the government
10 is free from its obligations under the Plea Agreement.

11 And, finally -- well, Paragraph 12 says this
12 plea of guilty is freely and voluntarily made and is not
13 the result of force, threats, or promises other than the
14 promises set forth there in the Plea Agreement.

15 That's Paragraphs 1 through 12. Do you
16 understand and agree with each and every one of those
17 paragraphs?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Let's look at Paragraph 13.
20 Paragraph 13 says you give up your right to appeal your
21 conviction and sentence in this case except in two
22 circumstances. You can appeal any punishment imposed in
23 excess of the statutory maximum, and you can assert a
24 claim of ineffective assistance of counsel that affects
25 the validity of the waiver or the plea itself. Do you

1 understand and agree with that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In Paragraph 14 you waive your
4 right to any records in this case.

5 Paragraph 15 says that you have thoroughly
6 reviewed all legal and factual aspects of this case with
7 your attorney and you are satisfied with his
8 representation and after conferring with him, you figure
9 it is in your best interest to plead guilty in this case
10 rather than going to trial. Do you understand and agree
11 with Paragraphs 14 and 15?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Paragraph 16 says this Plea
14 Agreement is only binding on the U.S. Attorney's Office
15 for the Eastern District of Texas and doesn't bind any
16 other federal, state, or local prosecuting authority.

17 And Paragraph 17 says this is the whole Plea
18 Agreement, there are no other Plea Agreements out there,
19 each and every promise between you and the government is
20 contained in this one document.

21 Do you understand and agree with those
22 paragraphs?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, I've just summarized the Plea
25 Agreement for you. Did you understand my summary?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And do you agree with my summary?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you still understand and accept
5 each and every term of that Plea Agreement?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are there any outside promises out
8 there that I need to know about that are not in this Plea
9 Agreement?

10 THE DEFENDANT: No, sir.

11 THE COURT: We'll admit the Plea Agreement on
12 the record in this case. And what will happen,
13 Mr. Roddam, is that Judge Clark will put off his decision
14 to accept or reject this Plea Agreement until he's looked
15 at your presentence report. If for whatever reason he
16 looks at your presentence report and he doesn't like this
17 Plea Agreement, he can reject it.

18 If he rejects it, you will be notified; and
19 you will have the opportunity to withdraw your guilty
20 plea. But if that happens, he rejects it and you
21 withdraw your guilty plea, and you still want to plead
22 guilty, do you understand that the disposition of your
23 case may be less favorable to you than that which you've
24 gotten under this Plea Agreement? Do you understand
25 that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: There's been a Factual Basis
3 that's been filed, and I reviewed the Factual Basis while
4 ago. Let's take a look at it.

5 The Factual Basis is four pages long -- or
6 five pages long. Did you read the entire Factual Basis?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And did you understand everything
9 in it?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All of the facts in there are true
12 and correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you sign the Factual Basis
15 and Stipulation?

16 THE DEFENDANT: Yes.

17 THE COURT: And did you understand it and
18 agree with it when you signed it?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you acknowledge and agree that
21 the facts set forth there in that Factual Basis and
22 Stipulation constitute proof that you committed the
23 offense set forth there in Count 1 of the Indictment in
24 every respect?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: We'll admit the Factual Basis and
2 Stipulation also into the record under seal.

3 I don't know if there are any state cases out
4 there. But do you understand that if there are, that
5 Judge Clark has the authority to impose the sentence in a
6 federal case consecutively; that means stacked on top of
7 the sentence in the state case? Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Mr. Bonneaux, has Mr. Roddam been
10 competent and able to cooperate with you?

11 MR. BONNEAUX: Yes, your Honor.

12 THE COURT: And do you join in his decision to
13 plead guilty?

14 MR. BONNEAUX: Yes, your Honor.

15 THE COURT: Mr. Roddam, are you entering your
16 plea of guilty freely and knowingly and voluntarily and
17 with the advice of your counsel?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you pleading guilty because
20 you are guilty?

21 THE DEFENDANT: Yes.

22 THE COURT: How do you now plead to the charge
23 contained in Count 1 of the Indictment? Guilty or not
24 guilty?

25 THE DEFENDANT: Guilty.

1 THE COURT: What I'll do in the case of *United*
2 *States of America versus Crockett Jacob Roddam*, I'll do a
3 report and recommendation that Mr. Roddam was fully
4 competent and capable of entering an informed plea and
5 that his plea of guilty was knowingly made and
6 voluntarily made and supported by an independent basis in
7 fact which contains each of the essential elements of the
8 offense.

9 Mr. Roddam, what will happen now is a written
10 presentence report will be prepared by the Probation
11 Department to assist Judge Clark at sentencing. You'll
12 be asked to give information for that report, and your
13 attorney can be present if you wish. Once the report has
14 been generated, you'll have the opportunity to sit down
15 with your attorney and make any objections that you want
16 to the facts and to the calculations reported by the
17 Probation Department.

18 You and your attorney are ordered to read and
19 review the presentence report and to make any objections
20 that you feel are necessary before the date of the
21 sentencing hearing. Once Judge Clark receives the
22 presentence report and looks at your Plea Agreement, if
23 he accepts your Plea Agreement, he'll set your case for
24 sentencing. You'll be allowed to appear before him and
25 make any statement that you want to in mitigation of your

1 potential punishment.

2 Mr. Roddam, I think that's all I need to do in
3 your case. In the meantime what I'll do is I'll remand
4 you back to the custody of the Marshal Service and direct
5 that they return you to Judge Clark's courtroom at the
6 date and time that your sentencing is set. I wish you
7 the best of luck in the future. Okay?

8 THE DEFENDANT: Thank you.

9 THE COURT: Thank you, sir. We'll be in
10 recess.

11 (Proceedings concluded, 1:56 p.m.)

12 COURT REPORTER'S CERTIFICATION

13 I, court approved transcriber, hereby certify
14 on this date, September 15, 2014, that the foregoing is a
15 correct transcript from the official electronic sound
16 recording of the proceedings in the above-entitled
17 matter.

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CHRISTINA L. BICKHAM, CRR, RMR

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